1	BEFORE THE			
2	ILLINOIS COMMERCE COMMISSION			
3	IN THE MATTER OF:			
4	PETER LEE,			
5	Complainant,)			
6	vs.) No. 07-0524			
7	COMMONWEALTH EDISON COMPANY,)			
8	Respondent.)			
9	Complaint as to billing/) charges in Chicago, Illinois.)			
10	Obi sama Tllinais			
11	Chicago, Illinois January 9, 2008			
12	Met, pursuant to adjournment, at 10:00 a.m.			
13	BEFORE:			
14	Mr. John Riley, Administrative Law Judge			
15	APPEARANCES:			
16	MR. PETER LEE 709 North Cicero Avenue			
17	2nd Floor Chicago, IL 60644			
18	(773) 379-7176 appearing pro se;			
19	appearing pro ser			
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1
     APPEARANCES (cont.):
       MR. MARK L. GOLDSTEIN
 2
       108 Wilmot Road
       Suite 330
 3
       Deerfield, IL 60015
       (847) 580-5480
 4
            appearing for the respondent.
 5
     ALSO PRESENT:
 6
       Mr. John Parise
 7
       Ms. Gay Gallapo
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     SULLIVAN REPORTING COMPANY, by
     Jean M. Plomin, CSR, RPR
22
     License No. 084-003728
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1	$\underline{I} \ \underline{N} \ \underline{D} \ \underline{E} \ \underline{X}$			
2	Mikasasas	Re- Re-		
3		<u>Direct Cross</u> <u>direct cros</u>	ss <u>Examiner</u>	
4	None.			
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7				
8				
9		<u>E X H I B I T S</u>		
10	Number	For Identification	In Evidence	
11	Resp. A	60		
12	Resp. B1-2	60		
13	Resp. C1-11	60		
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- 1 (Whereupon, Respondent's
- Exhibits A, B1-2, C1-11 were
- marked for identification.)
- 4 JUDGE RILEY: Pursuant to the direction of the
- 5 Illinois Commerce Commission, I call Docket 07-0524.
- 6 This is a complaint by Peter Lee versus Commonwealth
- 7 Edison Company as to billing and charges in Chicago,
- 8 Illinois.
- 9 Mr. Lee, you are appearing again
- 10 without an attorney; is that correct?
- 11 You are appearing without an attorney?
- 12 MR. LEE: Yes, I am. Yes, I am.
- 13 JUDGE RILEY: All right. And, Mr. Goldstein,
- 14 you're here on behalf of Commonwealth Edison?
- MR. GOLDSTEIN: Yes.
- 16 JUDGE RILEY: Please enter an appearance for
- 17 the record.
- 18 MR. GOLDSTEIN: On behalf of Commonwealth
- 19 Edison Company, Mark L. Goldstein, 108 Wilmot Road,
- 20 Suite 330, Deerfield, Illinois, 60015. My telephone
- 21 number is (847) 580-5480.
- JUDGE RILEY: Thank you.

- 1 And at this time, Mr. Lee, did you
- 2 want to make an opening statement of any kind?
- 3 MR. LEE: Yes, I do.
- 4 JUDGE RILEY: Please.
- 5 MR. LEE: First of all, I would like to make a
- 6 verbal complaint before I file a formal complaint
- 7 this week or somewhere pretty soon about the way I've
- 8 been treated by the Illinois Commission hearing
- 9 officer.
- 10 JUDGE RILEY: All right. I'm not going to
- 11 tolerate that.
- 12 MR. LEE: You said I could make a statement.
- 13 You said I could make a statement.
- 14 JUDGE RILEY: Relevant to the complaint you've
- 15 already filed.
- MR. LEE: It is very relevant.
- 17 JUDGE RILEY: No, it isn't. I'm sorry.
- 18 MR. LEE: I feel I would not receive a fair
- 19 trial the way you've been handling this hearing, sir.
- 20 I'm filing a complaint against you.
- JUDGE RILEY: Do you want me to --
- 22 MR. LEE: Because you're biased against me. I

- 1 was here for a prehearing. You held a hearing.
- JUDGE RILEY: No, I didn't hold a hearing.
- 3 MR. LEE: You held a hearing even though I said
- 4 I wanted to go proceed with this. Instead of giving
- 5 me a court date, you proceeded with the hearing
- 6 anyway.
- JUDGE RILEY: No, I didn't proceed --
- 8 MR. LEE: You proceeded with the hearing
- 9 anyway.
- 10 JUDGE RILEY: No, there was no hearing.
- 11 MR. LEE: I feel like I did not get a fair
- 12 decision with you as the hearing officer, and I
- 13 request a continuance. I would like a continuance
- 14 until I file my motion of formal grievance against
- 15 you so you have a chance to explain the allegations I
- 16 have set for you.
- 17 JUDGE RILEY: You're grievously mistaken as to
- 18 whether or not there was a hearing.
- 19 MR. LEE: The complaint -- complaint --
- 20 JUDGE RILEY: There was no -- there was no
- 21 hearing held. On December -- November 27th we met
- 22 and had what was called a prehearing conference where

- 1 we discussed the issues that you raised in your
- 2 complaint.
- 3 MR. LEE: Evidence was submitted. Evidence was
- 4 submitted, sir.
- 5 JUDGE RILEY: No, it wasn't. There was no
- 6 evidence submitted.
- 7 MR. LEE: I used your phone -- I used your
- 8 phone when I shouldn't have. No evidence should have
- 9 been submitted. You should have delayed this and set
- 10 a court date for a hearing. There was a prehearing
- 11 that you abused.
- 12 JUDGE RILEY: All right.
- 13 MR. LEE: You had your chance to give me a
- 14 continuance, and I will follow up on this. You'll
- 15 have your chance to explain because I'm definitely
- 16 going to file a formal complaint.
- 17 JUDGE RILEY: Did you want to proceed to
- 18 hearing today?
- 19 MR. LEE: I want a continuance until I file a
- 20 formal complaint against you.
- JUDGE RILEY: You want a continuance?
- MR. LEE: A continuance until I file a formal

- 1 complaint against you.
- JUDGE RILEY: All right. How long of a
- 3 continuance do you want?
- 4 Let me ask you this also: Do you want
- 5 me to recuse myself from this hearing?
- 6 MR. LEE: Yes, I do. I want you to disqualify
- 7 yourself. Exactly, sir.
- JUDGE RILEY: Counsel, what's your response?
- 9 MR. GOLDSTEIN: Judge, as far as ComEd is
- 10 concerned, we're here for the evidentiary hearing
- 11 today. I have a witness. We're ready to proceed
- 12 with the hearing.
- 13 There was nothing that you did as a
- 14 judge that was improper at the prehearing conference
- 15 that was held on November 27, 2007. It was at the
- 16 insistence of Mr. Lee with his statement that his
- 17 account was closed, and I guess what happened was
- 18 that we had a telephone conversation with the service
- 19 representative of ComEd at that time, and it was
- 20 demonstrated with the telephone conversation that was
- 21 recorded as part of the transcript of this proceeding
- but not as evidence that Mr. Lee's account has never

- 1 been closed.
- 2 And so I guess as far as I'm
- 3 concerned, his comments with respect to what he said
- 4 this morning about an evidentiary hearing on
- 5 November 27, 2007, and his comments with respect to
- 6 you are totally baseless, and we are ready to proceed
- 7 with the hearing. And at the very least, I would ask
- 8 that I be allowed to put my witness on the stand
- 9 since this complaint is for less than \$200 worth of
- 10 actual electric bills, and it's far more costly to
- 11 the company to have our witness and everybody here at
- this hearing than the \$200.
- 13 MR. LEE: Excuse me. I didn't hear the last
- 14 part.
- MR. GOLDSTEIN: It's far more costly for ComEd
- 16 to have the witness here and me here and this
- 17 proceeding to be continued than the \$200 worth of
- 18 electric bills that are at issue in this proceeding.
- 19 MR. LEE: I don't understand what you're
- 20 saying. I'm kind of deaf in one ear.
- MR. GOLDSTEIN: What I'm saying is, in a
- 22 nutshell, that I would like to proceed with the

- 1 hearing this morning.
- 2 MR. LEE: I know you would like to, but under
- 3 the circumstances, how can you want to proceed with
- 4 the hearing when I, myself, am going to file a formal
- 5 complaint against the hearing officer. With all due
- 6 respect and all fairness, he should disqualify his
- 7 own self.
- 8 JUDGE RILEY: So you're asking for two things
- 9 this morning: You want a continuance from this
- 10 hearing here and you want me to recuse myself as the
- 11 hearing officer.
- 12 MR. LEE: You asked me that and I said yes.
- 13 JUDGE RILEY: All right.
- MR. LEE: Yes, I want you to disqualify
- 15 yourself, you know, excuse yourself. Yes, I do.
- 16 JUDGE RILEY: All right.
- 17 MR. GOLDSTEIN: Well --
- 18 JUDGE RILEY: I have your --
- 19 MR. LEE: Until I can file a formal complaint.
- 20 That's all I'm asking, for a continuance until I can
- 21 file a formal complaint.
- MR. GOLDSTEIN: Well, let me make one further

- 1 comment if I may, Judge.
- 2 The prehearing conference was held six
- 3 weeks ago or longer. During those six weeks, Mr. Lee
- 4 had ample opportunity to file any kind of motion or
- 5 whatever he wanted to file, any kind of complaint
- 6 against you, as the Judge in this proceeding,
- 7 claiming that you were biased. Mr. Lee did
- 8 absolutely nothing. He never contacted me. He never
- 9 contacted you with respect to -- I assume had not
- 10 contacted you with respect to having you recused as
- 11 the judge in this proceeding.
- 12 And so on these bases, I think that
- 13 the hearing should go forward this morning. Let
- 14 Mr. Lee put on whatever evidence he has. We will put
- 15 on whatever evidence we have. And this matter should
- 16 be concluded today.
- 17 JUDGE RILEY: Mr. Lee, this is a total surprise
- 18 to me because you had never indicated that I had
- 19 shown any bias toward you in any -- during this
- 20 proceeding at any time.
- Now, we had a prehearing conference on
- 22 November 27th, and at that time we discussed the

- 1 issues that you raised in your complaint. Now you
- 2 keep shaking your head no, but what I'm saying is
- 3 accurate. And at the end of that prehearing
- 4 conference, it was decided and it was the date that
- 5 you selected that you wanted to go to hearing, on
- 6 January 9, 2008, and submit evidence in this
- 7 proceeding in support of your claim.
- 8 And now you come in here saying that
- 9 I'm biased and you want a continuance so that you can
- 10 file a formal complaint against me. I don't
- 11 understand where this came from. I have heard
- 12 nothing from you for six weeks, as Mr. Goldstein
- 13 pointed out. You had that entire time to request a
- 14 continuance and to raise the issue of bias, and now
- 15 all of a sudden at the absolute last second when
- 16 we're prepared to go to hearing, you come in here and
- 17 surprise me with this.
- Now, do you want to proceed to hearing
- 19 today on your claim?
- 20 MR. LEE: I want a continuance on the grounds I
- 21 stated before. And what Mr. Goldstein said, he works
- 22 for ComEd. I don't expect for him to agree with me.

- 1 I expect the facts to agree with me. I expect the
- 2 facts to agree with me because he's not the one
- 3 you've got to address it to. When I file my
- 4 complaint, they are the ones you're going to have to
- 5 address it to, not him.
- 6 JUDGE RILEY: What complaint are you going to
- 7 file?
- 8 MR. LEE: Against you.
- 9 JUDGE RILEY: For bias.
- 10 MR. LEE: What I stated. I stated it about
- 11 three or four times for the record. I stated it five
- 12 times.
- 13 JUDGE RILEY: In what way was I biased?
- 14 MR. LEE: Huh?
- JUDGE RILEY: In what way have I been biased
- 16 against you?
- MR. LEE: By not giving me a fair hearing --
- JUDGE RILEY: This is your hearing today,
- 19 Mr. Lee.
- 20 MR. LEE: -- fair and adequate hearing.
- JUDGE RILEY: This is your hearing today.
- MR. LEE: You took that away from me --

- 1 JUDGE RILEY: No.
- 2 MR. LEE: -- when you submitted evidence. When
- 3 we had the hearing instead of a prehearing, you
- 4 should have set a date and you chose not to.
- 5 JUDGE RILEY: No. Mr. Lee, you are totally
- 6 mistaken.
- 7 MR. LEE: You chose not to.
- JUDGE RILEY: You are totally and completely
- 9 mistaken.
- 10 MR. LEE: I'm not going to argue with you.
- 11 Whatever you chose to do, that's what I'm saying
- 12 today. I will go along only under protest.
- 13 JUDGE RILEY: You are totally mistaken.
- 14 MR. LEE: Under protest I will submit to this
- 15 hearing.
- 16 JUDGE RILEY: There has been --
- 17 MR. LEE: Under protest I will submit to this
- 18 hearing because I believe you should disqualify
- 19 yourself.
- 20 JUDGE RILEY: There has been no hearing in this
- 21 matter yet; is that clear? Just accept that. There
- 22 has been no evidentiary hearing in this matter.

- 1 MR. LEE: I don't have to accept that, but I
- 2 hear it.
- 3 JUDGE RILEY: We met on November 27th in a
- 4 prehearing conference, and we discussed the issues
- 5 openly in your case. And at that time, I set
- 6 January 9th, today's date, for you to return and
- 7 bring in your evidence to pursue your complaint. Now
- 8 you're saying that I denied you a hearing. You are
- 9 in --
- 10 MR. LEE: You went off the record four or five
- 11 times. Neither their lawyer nor myself asked for off
- 12 the record. You did everything you could against me
- 13 to make sure I didn't have a fair hearing that day
- 14 because you should have set a court date for the
- 15 hearing for today. Instead of submitting evidence,
- 16 you should have stopped and set a court date.
- 17 JUDGE RILEY: That's precisely what I did.
- 18 MR. LEE: That was prehearing that you abused.
- 19 JUDGE RILEY: And this is the court date today.
- 20 MR. LEE: That you abused. That was prehearing
- 21 that you abused.
- 22 THE REPORTER: One at a time. I can't get

- 1 everything down.
- 2 MR. LEE: Okay.
- 3 JUDGE RILEY: This is the court date that was
- 4 set. Don't you understand that?
- 5 MR. LEE: I have nothing else to say. I have
- 6 nothing else to say. I will go along with this
- 7 hearing under protest and duress.
- 8 JUDGE RILEY: You will go along with the
- 9 hearing? Then let's --
- 10 MR. LEE: Under protest, but you should
- 11 disqualify yourself.
- 12 JUDGE RILEY: You want another hearing officer
- in here?
- MR. LEE: Exactly.
- 15 JUDGE RILEY: All right. Hold on. I don't
- 16 know if that's possible. Let me see.
- MR. LEE: Well, then give me a continuance.
- 18 JUDGE RILEY: Hold on.
- 19 (Whereupon, a recess was taken.)
- 20 JUDGE RILEY: Let's go back on the record.
- Mr. Lee, under the circumstances and
- 22 pursuant to your objections, I have decided to grant

- 1 your motion for a continuance. I'm going to push
- 2 this thing down 30 days to February 7th.
- 3 MR. LEE: Thank you.
- 4 MR. GOLDSTEIN: Judge --
- 5 JUDGE RILEY: I understand this is over
- 6 objection, Mr. --
- 7 MR. GOLDSTEIN: Yeah. Obviously I'm going to
- 8 object to the continuance. I would like the
- 9 opportunity this morning to at least put my witness
- on the stand so that the hearing on February 7th
- 11 would be substantially shortened.
- 12 MR. LEE: I object. I object.
- 13 JUDGE RILEY: All right.
- 14 MR. LEE: I object.
- JUDGE RILEY: Mr. Goldstein, under the
- 16 circumstances --
- 17 MR. LEE: I object.
- 18 JUDGE RILEY: -- I think the best idea is just
- 19 to continue the matter for 30 days, roughly 30 days,
- 20 and reconvene at that time.
- 21 So without saying anything more, with
- 22 regard to your request for a new hearing officer, you

- 1 will be notified about that.
- 2 MR. LEE: Excuse me, sir? I couldn't hear
- 3 that.
- 4 JUDGE RILEY: With regard to your request for a
- 5 new hearing officer in this matter, you will be
- 6 notified whether or not there will be any change
- 7 made.
- 8 MR. LEE: Thank you.
- 9 JUDGE RILEY: That decision will be made in the
- 10 future.
- 11 MR. LEE: That's it?
- MR. PARISE: Wait. Wait. Let's make sure
- 13 February 7th we can all do.
- 14 JUDGE RILEY: All right. Let's take a look.
- 15 Take a look at your calendars.
- MR. PARISE: How about you? Do you know?
- 17 MR. GOLDSTEIN: Are you going to be on vacation
- 18 or anything?
- MS. GALLAPO: No, I won't be on vacation that
- 20 day.
- 21 MR. LEE: Why didn't they say that before you
- 22 made the date?

- JUDGE RILEY: All right.
- 2 MR. LEE: They had ample time to say that they
- 3 want to change the date.
- 4 JUDGE RILEY: Mr. Lee, let's find a mutually
- 5 agreeable date.
- 6 MS. GALLAPO: What day of the week is it?
- 7 MR. PARISE: It's a Thursday.
- 8 MR. GOLDSTEIN: Thursday.
- 9 MS. GALLAPO: Thursday. It should be all
- 10 right.
- 11 MR. GOLDSTEIN: Okay.
- 12 JUDGE RILEY: Oh, it is all right?
- MR. GOLDSTEIN: Yeah, we're fine, Judge.
- MR. PARISE: What time, your Honor?
- JUDGE RILEY: 10:00 a.m., February 7,
- 16 10:00 a.m.
- 17 (Whereupon, the above-entitled
- 18 matter was continued to
- 19 February 7, 2008, at
- 10:00 a.m.)

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